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MISE À JOUR DU PLAN STRATÉGIQUE

établie par le Bureau Permanent

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STRATEGIC PLAN UPDATE

drawn up by the Permanent Bureau

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INTRODUCTION

Commission I on General Affairs and Policy of the Nineteenth Diplomatic Session, at its meeting of 22-24 April 2002, agreed that the implementation of the Strategic Plan of the Hague Conference on Private International Law, whose main directions Commission I supported, "should be reviewed on a regular basis by the organs responsible for General Affairs and Policy [...]".[1] This decision was confirmed by the Nineteenth Session in December 2002 and is reflected in the Final Act of 13 December 2002 of that Session under B.2.

This Note provides a summary overview of the implementation of the Strategic Directions set out in Chapter IV of the Strategic Plan from April 2007 until March 2008. As mentioned in the Strategic Plan, the purpose of the Strategic Directions of the Plan is to assist the Permanent Bureau and the Members of the Organisation in continuing to adapt to the changing and growing demands on the work of the Hague Conference. They provide a framework for the way in which the Hague Conference carries out its mission and operations; the content of the work programme of the Conference at any particular time remains a decision for the Council on General Affairs and Policy. The Strategic Plan supports the Organisation's budget planning for the coming years.

IMPLEMENTATION OF THE STRATEGIC DIRECTIONS

Strategic Direction 1

Increasing the global coverage of the Conference

Membership

- The Conference now consists of 68 Members:
  - Ecuador, Montenegro and the European Community have accepted the Statute during the last twelve months.
  - Costa Rica (2002), Zambia (2004), Colombia (2006) and India (2007) have been admitted but still need to accept the Statute. Pending the acceptance of the Statute by these States, they are being invited to attend meetings of the Hague Conference as observers.
- The Permanent Bureau continues to work towards increasing the Membership of the Hague Conference in a considered way as provided under paragraph [405] of the Strategic Plan.

Global coverage of Hague Conventions

- There are now 128 States in all parts of the world that are Contracting States to one or more Hague Conventions.
- Efforts were made, including the establishment of special funds to support attendance by experts from less-developed States, to ensure that a large number of non-Member States were involved in the adoption of the new comprehensive global instruments on the international recovery of child support and other forms of family maintenance (more than 70 States attended the Twenty-First Diplomatic Session). Similar efforts are underway for the next Special Commission on the practical operation of the Judicial Cooperation Conventions.

[1] See "The Hague Conference on Private International Law Strategic Plan", drawn up by the Permanent Bureau, April 2002, para. [008] which can be consulted on the Hague Conference website at <www.hcch.net> under the horizontal menu item "About HCCH".

- The Special Programme for Latin American States for the promotion and training in respect of Hague Conventions has completed a third year.[2]
- A Judicial Seminar was held in The Hague from 27 to 31 August 2007 that involved principally Judges from French-speaking African States (Benin, Burkina Faso, Cameroon, Chad, Congo, Côte d'Ivoire, Egypt, Gabon, Guinea, Guinea-Bissau, Madagascar, Mali, Morocco, Mauritius, Mauritania, Niger, Rwanda, Senegal, Togo and Tunisia). A second regional seminar is under preparation for Southern and Eastern African States (autumn 2008).[3]
- A regional conference jointly organised with the Australian Government involving countries of the Asian and Pacific regions was held in Sydney in June 2007 (Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Cook Islands, India, Indonesia, Japan, Republic of Korea, Laos, Malaysia, Myanmar, New Zealand, Pakistan, Papua New Guinea, Philippines, Samoa, Singapore, Sri Lanka, Thailand, Tonga and Viet Nam). Preparations for a conference jointly organised with the authorities of Hong Kong (Special Administrative Region) involving countries of the same regions are under way (to be held in Hong Kong September 2008).[4]
- Preparations are underway for a third Malta Judicial Conference to be held in the autumn of 2008.

Visibility

- The Conference continues to modernise its website – more than 9,500 pages are visited daily (more than 2,200 different visitors per day) – with a view to facilitating bilingual usage, and making all the information accessible through a database, including documents in languages other than the official languages of the Conference.
- During the last year, the Secretary General and members of the Permanent Bureau made official visits to, lectured or gave seminars in: Argentina, Australia, Austria, Belgium, Brazil, Burkina Faso, Canada, Colombia, Czech Republic, Egypt, Finland, France, Germany, Guatemala, Ireland, Italy, Japan, Lithuania, Luxembourg, Madagascar, Malaysia, Morocco, Netherlands, Norway, Panama, Paraguay, Peru, Portugal, Spain, Turkey, Ukraine, United Kingdom, United States of America, Uruguay and Venezuela.
- The Permanent Bureau concluded an agreement with the University of Johannesburg with a view to creating a documentation centre to disseminate Hague Conference documents and publications for the Southern African Region.
- During the past 12 months the Permanent Bureau welcomed interns and officials on secondment from the following countries: Australia, Canada, France, Germany, Morocco, Uganda and the United States of America.
- The Permanent Bureau organised during the summer of 2007 an information session with the most important national and international newspapers and press agencies based in the Netherlands with a view to intensify and consolidate its contact and provide information on the activities of the Conference.
- At the Closing of the Twenty-First Diplomatic Session a press conference was held at the Academy Building which resulted in worldwide press coverage for the Hague Conference and the new Maintenance Convention and Protocol.

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[2] See Prel. Doc. No 4 drawn up by the Permanent Bureau for the attention of the Council on General Affairs and Policy of April 2008.
[3] *Ibid*.
[4] *Ibid*.

Strategic Direction 2

Being selective in relation to the projects undertaken by the Conference and consolidating post-Convention services

The Conference continues to focus equally on its two core activities – the development and the monitoring of Conventions, including the provision of unique post-Convention services. At the same time it is increasingly engaged in providing education, training and technical assistance aimed at promoting and improving the implementation and application of Conventions by judges, Central Authorities and others.

Development of Conventions

- From 8 to 16 May 2007, the Special Commission on the International Recovery of Child Support and Other Forms of Family Maintenance met for a fifth time to continue its June 2006, April 2005, June 2004 and May 2003 discussions in relation to applicable law and effective access to procedures.
- From 16 to 18 May 2007, the Drafting Committee of the Maintenance Project met at The Hague to produce the revised preliminary draft Convention for the attention of the Twenty-First Session of the Conference of November 2007.
- From March until July 2007, the Forms Working Group on the Maintenance Project, that is a standing Committee of the Special Commission on the International Recovery of Child Support and Other Forms of Family Maintenance, met by conference calls on 6 occasions.
- From 5 to 23 November 2007, the Twenty-First Session of the Conference took place in The Hague to adopt the 2007 *Convention on the International Recovery of Child Support and Other Forms of Family Maintenance* and the 2007 *Protocol on the Law Applicable to Maintenance Obligations*.
- On 31 March 2008, the Co-Reporters will meet at The Hague to finalise their draft Explanatory Report on the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*.
- Feasibility studies are under way on the possible development of instruments concerning: (1) cross-border mediation in family matters; (2) choice of law in international contracts; and, (3) cross-border co-operation on the treatment of foreign law.
- Other possible topics for future work include: (1) private international law aspects of cohabitation outside marriage and registered partnership; (2) application of certain techniques for international co-operation developed by the Hague Conference on Private International Law to issues of international migration; (3) a proposal of Switzerland for a draft Protocol to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*; and, (4) development of a Protocol to the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* to deal with the international recovery of maintenance in respect of vulnerable persons.

Post-Convention services

- For a detailed account of the post-Convention services concerning the three modern Hague Children's Conventions, see Preliminary Document No 3, "Projects concerning the Children's Conventions, Maintenance, Adults and Cohabitation" and see Preliminary Document No 4 concerning Regional Developments both drawn up for the attention of the Council on General Affairs and Policy of April 2008.

- Work is underway with regard to the Guide to Good Practice under the 1980 Child Abduction Convention to finalise Parts on: (1) Access / Contact; and, (2) the Enforcement of Orders made under the 1980 Convention.
- Work is underway with regard to the Guide to Good Practice under the 1993 Intercountry Adoption Convention to: (1) print and publish Part I on Preparing for Implementation of the Convention; and, (2) to develop Part II on Accreditation.
- Work with regard to the Guide to Good Practice under the 1996 International Child Protection Convention to develop Parts on: (1) Preparing for Implementation of the Convention; and, (2) Operation is underway.
- Preliminary plans have been made in relation to the Guide to Good Practice under the 2007 Maintenance Convention to develop Parts on: (1) Preparing for Implementation of the Convention; and, (2) Operation.
- Work is underway to develop a comprehensive draft Practical Handbook on the Operation of the Apostille Convention.
- Work is underway to develop sections of a possible future Practical Handbook on the Operation of the Evidence Convention
- Work is underway to prepare the next Special Commission on the practical operation of the Apostille, Service, Evidence and Access to Justice Conventions.
- From 19 to 21 September 2007, a second meeting of Inter-American experts on international child abduction co-organised by the Inter-American Children's Institute (INN) and the Hague Conference was held in Buenos Aires.
- The International Child Abduction Database (INCADAT) website now includes 943 summaries in English and French and 803 Spanish. During the past 12 months efforts were made to expand the commentary section with a view to compare and contrast other case law.
- The iChild electronic case management system (donated by WorldReach Software (Canada)) in relation to the 1980 Convention on Child Abduction is now implemented in more than 10 Central Authorities and further implementation efforts are under way.
- The Permanent Bureau has supplemented its website to collect the statistics of the States Parties to the 1980 Convention on Child Abduction for the purpose of the International Child Abduction Statistical Database (INCASTAT). INCASTAT is available directly to more than 90 Central Authorities since October 2007.
- Work relating to the promotion and implementation of the electronic Apostille Pilot Program (e-APP) is ongoing. In May 2007, the website on the e-APP (<www.e-APP.info>) was launched (in co-operation with the National Notary Association of the United States of America). Four jurisdictions have implemented at least one of the two components of the e-APP; several others are actively studying the e-APP.
- The Permanent Bureau published Volume XII of *The Judges' Newsletter on International Child Protection* the focus of which was the Fifth meeting of the Special Commission to Review the Operation of the 1980 Convention on Child Abduction and the Practical Implementation of the 1996 Convention on International Child Protection. All the recent Volumes of *The Judges' Newsletter* are available in English and French, as well as in Spanish, on the Hague Conference website.
- The Permanent Bureau continues its work on direct international judicial communications under the 1980 Convention and continues to be involved in the organisation of judicial seminars.

- Exploratory work continues on the possible development of the iSupport electronic case management and communication system in support of the 2007 *Convention on the International Recovery of Child Support and Other Forms of Family Maintenance* and its Protocol on Applicable Law.
- The Permanent Bureau continues to receive and answer a steadily increasing number of governmental and individual requests relating to the practical operation of, in particular, the Abduction, Adoption, Maintenance, Service, Evidence and Apostille Conventions.
- Editions of the Practical Handbook on the Service Convention in Chinese and Portuguese are underway; editions of the Handbook in Spanish and Ukrainian are being explored.

Legal education, training and technical assistance

- The Permanent Bureau has facilitated international judicial seminars and conferences such as the Judicial Seminar for French-speaking African countries on the principal Hague Conventions on International Child Protection, International Judicial and Administrative Co-operation and International Litigation, held in The Hague from 27 to 31 August 2007.
- The Permanent Bureau also actively participated in training sessions organised by the United Nations Conference on Trade and Development (UNCTAD), the World Trade Organisation (WTO), the International Social Service (ISS), the Council of Europe, the European Institute of Public Administration, the European Policy and Legal Advice Centre, the Inter-American Bar Association, the National Child Support Enforcement Association (NCSEA), the National Notary Association (NNA) and the International Association of Judicial Officers (UIHJ).
- Through the training and technical assistance programme for the effective implementation of the 1993 Intercountry Adoption Convention the Permanent Bureau is providing technical assistance to Guatemala. Assistance has also been requested by Kenya, Cambodia and Nepal. The programme is financed through the Supplementary Budget.
- During the past 12 months, seminars on the 2006 Securities Convention were held in Australia, Colombia and Peru.

In consolidating its post-Conventions services, the Conference will continue to develop partnerships with States, governmental and non-governmental organisations, academic and research institutes, and will continue to concentrate its efforts on activities for which it brings added value. The Permanent Bureau continues its work for the establishment of more systemic training programmes (see Prel. Doc. No 6 for the attention of the Special Commission on General Affairs and Policy, March 2006).

Partnerships with States, governmental and non-governmental organisations

- Through the Supplementary Budget and other *ad hoc* funding requests (Maintenance Project, Intercountry Adoption Technical Assistance Programme, Judicial seminars including the French-speaking African States Judges' Seminar), the Conference received during the last year (1 April 2007–31 January 2008) support by way of contributions or donations from the following States: Argentina, Australia, Canada, China, Croatia, Finland, France, Netherlands, New Zealand, Monaco, Spain, United Kingdom and the United States of America (see L.c. A No 1(08) of 4 February 2008 and L.c. ON No 2(08) dated 4 February 2008).

- The Hague Forum for Judicial Expertise, the *Institut français des Pays-Bas* and the *Organisation internationale de la Francophonie* (OIF) have respectively contributed to the French-speaking African States Judges' Seminar, held in The Hague from 27 to 31 August 2007, in the order of 49,712 Euros, 29,750 Euros and 15,965 Euros.
- One secondment of a State official was arranged with Canada (Quebec) (part-time since September 2005).
- One *stagiaire* was funded by McGill University, Montréal, Canada (6 months – from February to July 2008).
- The first *stagiaire* under the Peter Nygh Internship Programme joined the Organisation in 2007 (6 months – from October 2007 to April 2008)
- The Ministry of Foreign Affairs of Argentina renewed its support to the Latin-American Programme by providing office facilities to the Liaison Legal Officer.

Partnerships with academic and research institutes

- In 2007, New York University provided two summer students to the Permanent Bureau.
- In 2007, Georgetown University provided one summer student and one autumn intern.
- During the last 12 months different research projects have been undertaken and / or completed with, in particular, Cardiff Law School (United Kingdom) and the University of Aberdeen (United Kingdom). The Permanent Bureau maintains an ongoing co-operation with the *Faculté de droit, Université Jean Moulin*, Lyon (France), the Law Faculty of the University of Groningen (Netherlands) and the Tohoku University School of Law (Japan).

Strategic Direction 3

Enhancing working methods and reducing costs by providing flexibility in the development process

New working methods

- The Administrative Co-operation Working Group on the Maintenance Project and its two Sub-committees met by conference calls and discussed through a Listserv provided by the Office for Child Support Enforcement of the United States of America.
- The Forms Committee on the Maintenance Project met by conference calls.
- Internet based systems are used to provide demonstrations of the iChild software and e-APP to interested authorities.
- The Permanent Bureau organised and co-ordinated a conference call meeting of 12 Latin-American States in preparation for the November 2007 Diplomatic Session.
- Videoconferencing is increasingly being used.

Strategic Direction 4

Increasing communication and co-operation with other international organisations

Increasing communication

- The Conference continues to modernise its website with a view to facilitating bilingual usage, and making all the information accessible through a database, including documents in languages other than the official languages of the Conference.

Increasing co-operation

- Preparations for the conclusion of a Memorandum of Understanding with the Asian African Legal Consultative Organization (AALCO) are underway.

- During the past 12 months the Permanent Bureau has intensified its cooperation with other international Organisations with regard to horizontal issues for which they have a common interest.

During the last 12 months, the Permanent Bureau co-operated with the following organisations:

International and transnational governmental organisations

- African Union
- Asian African Legal Consultative Organization (AALCO)
- Bank for International Settlements (BIS)
- ChildONEurope
- *Commission internationale de l'état civil* (CIEC)
- Commonwealth Secretariat
- Council of Europe
- European Central Bank (ECB)
- European Union / European Community
- Inter-American Children's Institute (IIN)
- International Civil Aviation Organisation (ICAO)
- International Institute for the Unification of Private Law (UNIDROIT)
- International Monetary Fund (IMF)
- MERCOSUR
- Organisation of American States (OAS)
- Organisation for Economic Co-operation and Development (OECD)
- *Organisation internationale de la Francophonie (OIF)*
- United Nations Children's Fund (UNICEF)
- United Nations Commission on International Trade Law (UNCITRAL)
- United Nations Committee on the Rights of the Child
- United Nations Conference on Trade and Development (UNCTAD)
- United Nations Development Programme (UNDP)
- United Nations Environment Programme (UNEP)
- World Bank
- World Intellectual Property Organisation (WIPO)
- World Trade Organisation (WTO)

It is important, in particular, to mention the annual co-ordination meeting held this year in Vienna on 11 February 2008 between the heads of the Secretariats of UNCITRAL, UNIDROIT and the Hague Conference.

International non-governmental organisations

- *Association Africaine des Hautes Juridictions Francophones*
- *Association des Hautes Juridictions de cassation des pays ayant en partage l'usage du français*
- *Association internationale de droit judiciaire* (AIDJ)
- *Association internationale francophone des intervenants auprès des familles séparées* (AIFI)
- *Association internationale des Magistrats de la Jeunesse et de la Famille* (AIMJF)
- Conference of Central Securities Depositaries
- Defence for Children International (DCI)
- Euradopt
- European Federation for Missing and Sexually Exploited Children
- European Network on Parental Child Abduction
- Financial Market Lawyers Group (FMLG)
- Inter-American Bar Association (IABA)
- International Academy of Matrimonial Lawyers (IAML)
- International Association of Judicial Officers (UIHJ)
- International Association of Women Judges (IAWJ)
- International Bar Association (IBA)
- International Centre for Missing and Exploited Children (ICMEC)
- International Chamber of Commerce (ICC)
- International Foster Care Organisation (IFCO)
- International Law Association (ILA)
- International Social Service (ISS)
- International Society of Family Law (ISFL)
- International Union of Latin Notaries (UINL)
- Nordic Adoption Council
- US-Mexico Bar Association

Strategic Direction 5

Enhancing the management of internal information

- The Permanent Bureau continues its implementation of a 2003 Report on the management of internal information and documents, prepared by an outside consultant, in order to increase corporate memory, consolidate the filing system (including electronic filing), enhance the maintenance of the library and improve the use of computer technology to that effect (see para. [437] of the Strategic Plan).
- During the past year, the Permanent Bureau, with the assistance of the Peace Palace Library, has completed the implementation of its new electronic library catalogue.
- During the past nine months, the Permanent Bureau reorganised its paper files and archives systems using a consistent and coherent classification numbering system resulting in an effective and logical bilingual system.

- In addition, the Permanent Bureau is making all of the existing paper files and archives available in an electronic format.
- The Permanent Bureau is currently updating its electronic document management system which will make possible the central filing of any kind of electronic document including e-mails. Moreover, this new system will facilitate and accelerate the retrieving of documents through an optical character recognition (OCR) technology.

Strategic Direction 6

Matching resources and demands by making the decision process more transparent and informed and by increasing the capacity to seek additional funding

- The Council on General Affairs and Policy of the Conference, which will meet on 1 to 3 April 2008, will have before it for its information a Proposed Budget for Financial Year LIV (1 July 2008-30 June 2009) (see Strategic Plan, para. [427]), see Preliminary Document No 7.
- An interim Report on the Supplementary Budget for Financial Year LIII (1 July 2007–30 June 2008) was sent to Member States in February 2008 (L.c. A No 1(08) and L.c. ON No 2(08)) and a Proposed Supplementary Budget for Financial Year LIV (1 July 2008-30 June 2009) will be presented to the Council of Diplomatic Representatives, and, for information, to the Council on General Affairs and Policy of the Conference on 1 to 3 April 2008 inviting all Members to make voluntary contributions to provide funding for activities not covered by the regular budget, see Preliminary Document No 8.
- With regard to the workload, timelines and budget implications for 2008-2009 in relation to the projects concerning the Children's Conventions, Maintenance, Adults and Cohabitation, see Preliminary Document No 3.
- Some Member States were invited to make voluntary contributions to the Maintenance Project in 2003, 2004, 2005, 2006 and 2007.
- The Secretary General in consultation with the Joint Pension Administration Section of the Co-ordinated Organisations continues to study ways to stabilise the pension situation of the Conference.